

Responses-to-Comments

Proposed Temporary Place of Recreation, Sports or Culture (Horse Riding Centre and Barbecue Site) and Holiday Camp with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land in “Agriculture” Zone, Various Lots in D.D. 76 and Adjoining Government Land, Hok Tau, Fanling, New Territories

(Application No. A/NE-HT/22)

(i) A RtoC Table:

Departmental Comments	Applicant’s Responses
1. Comments of the Director of Agriculture, Fisheries and Conservation (DAFC)	
<p>(a) <u>From agricultural perspective</u> The application site (the Site) falls within “AGR” zone and is a partially cemented vacant land with structures. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from an agricultural perspective.</p>	<p>Portion of the application site (the Site) is currently covered with a valid planning application No. A/NE-HT/21 approved by the Town Planning Board (the Board) in January 2024 for temporary place of recreation, sports or culture (hobby farm, barbecue spot, play area, handicraft making and refreshment kiosk). Previous applications Nos. A/NE-HT/9 and A/NE-HT/16 for similar uses were also approved between 2016 and 2020.</p> <p>The proposed development under the current application is of temporary nature and would not frustrate the long-term planning intention of the “Agriculture” (“AGR”) zone. Besides, no active agricultural activities are found at the Site. As such, adverse impacts on the agricultural perspective are not anticipated.</p>
<p>(b) <u>From nature conservation perspective</u> AFCD has conducted site inspection and the Site is partly paved and partly covered with turf. A watercourse is running adjacent to the Site, some ditches and water-logged area are located along/within the eastern boundary of the Site. While it is noted from the supplementary statement that a 3m buffer between Pat Sin Leng Country Park and the subject site is reserved, please clarify if there is other mitigation measures to avoid adverse impact to the nearby Country Park.</p>	<p>Apart from the 3 m buffer between Pat Sin Leng Country Park (the Country Park) and the Site, the applicant proposes to erect periphery fencing along the site boundary to avoid visitors from reaching the watercourse from the Site and causing nuisance to the Country Park.</p> <p>The proposed structures are located as far away from the boundary of the Country Park as possible to avoid causing any potential adverse impact to the Country Park.</p>

(c)	<p>In addition, the watercourse running adjacent to the Site will eventually leads to the Tan Shan River Ecologically Important Stream (EIS). As the EIS is located at the downstream of the said watercourse, the applicant should provide information on whether any impact on the EIS and the streams nearby are anticipated and mitigation measures to prevent the EIS and the streams nearby from being affected by the proposed use. Mitigation measures to avoid visitor and surface run-off from reaching the said watercourse shall be implemented so as to avoid adverse impact to the watercourse and nearby natural environment.</p>	<p>Apart from the 3 m buffer between the Country Park and the Site, the applicant proposes to erect periphery fencing along the site boundary to avoid visitors from reaching the watercourse and the Country Park from the Site. Signage prohibiting visitors from entering the watercourse will be erected along the fencing.</p> <p>Upon obtaining planning permission from the Board, the applicant will provide periphery drainage u-channel with catchpits and sand trap to collect the surface run-off from the Site. The final design of drainage facilities provided thereon shall subject to the requirement of the Drainage Authority.</p> <p>As such, adverse impacts to the watercourse and nearby natural environment are not envisaged.</p>
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Departmental Comments		Applicant's Responses
2. Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD)		
(a)	It is noted in the Layout Plan (Drawing No. Plan 4) that a 3m buffer from the boundary of Pat Sin Leng Country Park is reserved. The applicant is advised to explore the opportunity of providing buffer landscaping areas at the periphery within the Site, particularly to the western boundary in close proximity to the Pat Sin Leng Country Park. Information, such as proposed landscape treatments and typical section(s), should be provided for Town Planning Board's (the Board's) consideration.	The applicant proposes to provide more buffer landscaping areas along the western boundary of the Site in close proximity to the Country Park, as well as along the existing natural stream across the Site. Regular horticultural practice will be carried out to maintain the trees in good conditions. The landscape plan is enclosed at Annex 1.
(b)	The applicant is advised to explore the opportunity of providing buffer landscaping areas adjacent to the existing natural stream across the Site, to minimise adverse impact on the existing landscape resources and maximise compatibility of the proposed development to the surrounding environment. Information, such as proposed landscape treatments and typical section(s), should be provided for Board's consideration.	
(c)	The applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant department(s) prior to commencement of the works.	Noted.

Departmental Comments	Applicant's Responses
3. Comments of the Commissioner for Transport (C for T)	
<p>(a) The applicant should substantiate the traffic generation and attraction from and to the Site. Whether a traffic impact assessment (TIA) is required will be further reviewed after the applicant supplements the substantiation.</p>	<p>Portion of the Site is currently covered with a valid planning application No. A/NE-HT/21 approved by the Board in January 2024 for temporary place of recreation, sports or culture (hobby farm, barbecue spot, play area, handicraft making and refreshment kiosk). Under the current application, the applicant seeks planning permission from the Board to use the Site for place of recreation, sports or culture (horse riding centre and barbecue site) and holiday camp.</p> <p>Visitors accessing by private cars will be required to make prior appointment, which would serve to regulate the nos. of vehicle accessing the Site. Some private car parking spaces will be reserved for staff, who would commute to the Site by carpooling from Fanling MTR Station.</p> <p>Light goods vehicles will be deployed for the delivery of foods and goods supporting the daily operation of the proposed development. Under rare circumstances, medium goods vehicles will be arranged for the transportation of horses. All delivery activities will only be arranged during non-peak hours i.e. beyond 08:00 to 09:00 and 18:00 to 19:00.</p> <p>In view of the nature and scale of the proposed development, it is estimated that not more than 13 trips/hour would be generated and attracted during non-peak hours. It is expected that adverse traffic impacts arising from the proposed development should not be anticipated.</p> <p>For details, please refer to §3.7-3.8 and Tables 2-3 of the supplementary statement in the original submission.</p>

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(b)	The applicant should advise the dimensions of the driveway in the Site.	The existing driveway between the ingress/egress and Lot 1138 in D.D. 76 is about 6 m in width. The applicant proposes to remove the northern portion of the driveway and transform the southern portion of it into a parking and loading/unloading (L/UL) area as illustrated in Plan 4 in the original submission.
(c)	The applicant should provide a proper run-in/out at the site entrance.	The run-in/out proposal submitted by the applicant of application No. A/NE-HT/16 in compliance with planning condition (g) of the planning application was accepted by the Director of Highways in 2021. The applicant under the current application will proceed to implement the accepted run-in/out proposal at the Site. Relevant photographic records will be submitted for consideration upon completion. The accepted run-in/out proposal is enclosed at Annex 2 .
(d)	Please clarify whether there will be a gate installed at the entry. If so, please ensure such arrangement will not cause queuing of vehicles outside the Site.	<p>There is an existing gate at the ingress/egress, which is open for vehicles during the operation hours, and closed beyond the operation hours.</p> <p>Visitors will be required to access the Site within the reserved time slot. Staff will be deployed at the ingress/egress to direct incoming/exiting vehicles to avoid queuing of vehicles outside the Site. Besides, 'NO ILLEGAL PARKING' signs will be shown at the ingress/egress to remind drivers from parking their vehicles outside the Site.</p> <p>With the above traffic management measures and the minimal trip generation and attraction, it is anticipated that no queuing of vehicles would be expected.</p>
(e)	The applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety.	Separate entrances for vehicles and pedestrian are provided at the Site (Plan 4 in the original submission refers). Pedestrian can access the Site via the footpath, which is separated from the adjacent parking and L/UL area. Moreover, staff will be deployed at the ingress/egress to direct incoming/exiting vehicles. Vehicle speed

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		will be limited to 5 km/hour within the Site. In addition, 'BEWARE OF PEDESTRIAN' and 'STOP' signs will be shown at the ingress/egress to enhance pedestrian safety.
(f)	Upon receipt of the above information, TD may offer further comments on the application.	Noted.

Departmental Comments		Applicant's Responses											
4. Comments of the District Planning Officer/Shia Tin, Tai Po & North (DPO/STN), PlanD													
(a)	The applicant has stated the proposed horse-riding center, barbecue site and holiday camp are to serve the nearby locals. Please clarify the target customer(s) of the proposed development.	The proposed development aims to provide a passive recreation outlet for members of the public who are interested in camping, barbecue and horse-riding activities, particularly for those living in the New Territories given its proximity.											
(b)	Noting that southwestern portion of the Site (i.e. Lots 1091 RP 1134 S.A, 1134 RP in D.D. 76) is covered by a valid application No. A/NE-HT/21 submitted by a different applicant, please clarify the interface issue(s) for the proposed development and supplement on implementation programme of the proposal.	<p>Upon obtaining planning permission for the current application, the applicant will proceed to implement the approved scheme under the current application at the Site.</p> <p>For the implementation of the approved scheme, the applicant will submit applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the District Lands Officer/North, Lands Department (DLO/N, LandsD) for the erection of the proposed structures and the occupation of Government Land (GL) within 6 months upon obtaining the planning permission.</p> <p>The applicant anticipates to construct the proposed structures and commencement the operations within 2 months after obtaining the required STW and STT.</p>											
(c)	It is noted that 10 staff members will be worked at the Site. Please further elaborate the details with justifications (e.g. labour division for each activities / no. of staff members to be stayed overnight etc.).	<p>Details of the division of labour are as follows:</p> <table border="1"> <thead> <tr> <th>Position</th> <th>No. of Staff</th> </tr> </thead> <tbody> <tr> <td>Stable staff</td> <td>3</td> </tr> <tr> <td>Janitors</td> <td>3</td> </tr> <tr> <td>Administrative staff</td> <td>3</td> </tr> <tr> <td>Workers</td> <td>2</td> </tr> </tbody> </table> <p>A janitor and a stable staff will be on shift work at night to take care of the tent campers and horses respectively.</p>		Position	No. of Staff	Stable staff	3	Janitors	3	Administrative staff	3	Workers	2
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<p>(d)</p>	<p>The applicant has stated that the estimated visitor numbers for holiday camp and barbecue site on weekends during peak seasons would be less than 50. Please also supplement the figure for the horse-riding center. For better understanding, the applicant is advised to provide the estimated visitor numbers for horse riding center, holiday camp and barbecue site each both on weekdays and weekends/holidays. Besides, please also provide the details for the appointment system for the horse-riding center, holiday camp and barbecue site; and advise if upper limit for the visitor will be set for each activity (i.e. holiday camp / barbecue site / horse riding centre).</p>	<p>It is anticipated that the horse-riding centre would attract not more than 20 visitors on weekends during peak seasons.</p> <p>The estimated nos. of visitor of each activity are as follow:</p> <table border="1" data-bbox="804 450 1362 763"> <thead> <tr> <th>Activity</th> <th>Weekday</th> <th>Weekend & Holiday</th> </tr> </thead> <tbody> <tr> <td>Holiday camp</td> <td>10</td> <td>20</td> </tr> <tr> <td>Barbecue site</td> <td>10</td> <td>30</td> </tr> <tr> <td>Horse-riding centre</td> <td>10</td> <td>20</td> </tr> </tbody> </table> <p>Quotas for visitor admission will be on a first-come-first served basis. Members of the public will be allowed to make appointment via telephone. The upper visitor limits for each activity are as follow:</p> <table border="1" data-bbox="804 1010 1362 1182"> <thead> <tr> <th>Activity</th> <th>Upper Limit</th> </tr> </thead> <tbody> <tr> <td>Holiday camp</td> <td>30</td> </tr> <tr> <td>Barbecue site</td> <td>40</td> </tr> <tr> <td>Horse-riding centre</td> <td>30</td> </tr> </tbody> </table>	Activity	Weekday	Weekend & Holiday	Holiday camp	10	20	Barbecue site	10	30	Horse-riding centre	10	20	Activity	Upper Limit	Holiday camp	30	Barbecue site	40	Horse-riding centre	30
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<p>(e)</p>	<p>Further to the comments from TD on trip generation and attraction, please also clarify/supplement on the traffic means for the staff and visitor. Besides, please clarify if the vehicle will be used for internal circulation and daily operation within the Site.</p>	<p>4 nos. of private car parking space will be reserved for staff, who will commute to the Site by carpooling from Fanling MTR Station.</p> <p>Visitors will either travel to the Site by private cars or public transportation. 18 nos. of private car parking spaces, which require prior appointment, will be reserved for visitor use (§3.7 of the supplementary statement in the original submission refers).</p> <p>Apart from the parking and L/UL area (Plan 4 in the original submission refers), no vehicle will be deployed for internal circulation and daily operation of the proposed development. Trolleys will be deployed for the transportation of materials within the Site.</p>																				

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(f)	Please supplement the details of the ground surface of the horse corral. In particular, please clarify if filling of land is involved.	The ground surface of the horse corral comprises laying of soil not exceeding 1.2 m in thickness for cultivation. Such filling of land does not require prior permission from the Board with reference to Remarks (b)(i) of the Notes for "AGR" zone on relevant Outline Zoning Plan.
(g)	Please advise whether relevant licence will be obtained for the operations of horse-riding center, barbecue site and holiday camp.	The applicant will consult relevant government departments for obtaining relevant licences, such as the 'Places of Public Entertainment Licence' and licence under the <i>Hotel and Guesthouse Accommodation Ordinance</i> , for the operations if required.
(h)	It is noted that a 3m buffer between Pat Sin Leng Country Park and the Site is reserved. Please clarify if the 3m-buffer is located within the boundary of the Site.	The layout plan has clearly illustrated that the 3 m buffer is situated outside the boundary of the Site (i.e. <u>between</u> the Country Park and the Site). Please refer to the shaded area on Plan 4 in the original submission.
(i)	It is noted that there is a hard paved track for internal circulation to the immediate north of the Site, but the track had not been included in the site boundary of the current application. Please clarify if the temporary development was only confined to the Site.	<p>Please note that the proposed development will be confined within the boundary of the Site.</p> <p>The track leads to the farmland across the watercourse to the north of the Site. The farmland occupier has obtained consent from the applicant to access the concerned farmland through the track via the Site with trolley. No vehicles will be allowed to access the concerned farmland via the Site.</p>

Seek TPB's view on the interpretation of filling of land.

Seek CEP's views on it.

Departmental Comments		Applicant's Responses
5. Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD)		
(a)	The applicant shall submit a drainage impact assessment (DIA) and implement a drainage proposal for the application site (the Site) to ensure that the proposed development will not cause adverse drainage impact to the adjacent area.	The drainage impact assessment is enclosed at Annex 3.
(b)	The Site is in the vicinity of an existing streamcourse. The applicant shall be required to place all the proposed works 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measure(s) (if necessary) shall be provided at the resources of the applicant to the satisfaction of DSD.	
(c)	The Site is in an area where public sewage connection is not available. You might wish to consult the Environmental Protection Department regarding the sewage impact assessment (SIA) and sewage treatment/disposal facilities for the proposed development.	Noted.

Departmental Comments	Applicant's Responses
6. Comments of DLO/N, LandsD	
(a) The application site (the Site) comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via Government land (GL) is granted to the Site.	Noted.
(b) The Site is already being used for the use under the application. The structures erected do not tally with the proposed layout plan of this application. No consent is given for the inclusion of GL (about 316 m ² as mentioned in the application form) for the proposed use. For direct grant of Short Term Tenancy (STT) of the adjoining GL to the applicant for temporary uses, prior policy support from relevant Bureau has to be obtained.	Upon obtaining planning permission from the Board, the applicant will submit applications for STW and STT for the proposed structures and occupation of GL to DLO/N, LandsD.
(c) As the operating recreational venue under this planning application is visited by the community (including families, students, elderly etc.), applicant shall address the structural safety aspect of the unauthorised building works (UBWs) erected.	Noted. The applicant will ensure all proposed structures to be erected thereon will be structurally safe for visiting by the community.
(d) <u>Unauthorised structures within the said private lots covered by the planning application</u> There are unauthorised structures on the private lots. The lot owners should immediately rectify the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice.	Upon obtaining planning permission from the Board, the applicant will submit applications for STW and STT for the proposed structures and occupation of GL to DLO/N, LandsD.

	<p><u>Unlawful occupation of GL adjoining the said private lots covered by the planning application</u></p> <p>The GL within the Site has been fenced off without any permission. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. This office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice.</p>	
(e)	<p><u>Unlawful occupation of GL not covered by the planning application</u></p> <p>The GL adjoining the said private lots has been fenced off/illegally occupied without permission. The GL being illegally occupied is not included in the application. Please clarify the extent of the Site. Any occupation of GL without Government’s prior approval is an offence under Cap. 28. This office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice.</p>	<p>Please note that the applicant will confine the proposed development solely within the boundary of the Site upon obtaining planning permission. The applicant will submit an application for STT for the occupation of GL within the site boundary to DLO/N, LandsD.</p>
(f)	<p>The lot owners/applicant shall either (i) cease the illegal occupation of the GL immediately; or (ii) include the adjoining GL being illegally occupied in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Town Planning Board to the planning application and obtaining policy support as mentioned above which shall have reflected the rectification or amendment as aforesaid required, apply to this office for Short Term Waiver (STW) and STT to permit the structures erected/to be erected on the said private lots and occupation of GL. The application for STW and STT will be considered by the Government in its capacity as a landlord</p>	<p>Upon obtaining planning permission from the Board, the applicant will submit applications for STW and STT for the proposed structures and occupation of GL to DLO/N, LandsD.</p>

<p>on whole lot basis and there is no guarantee that it will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee and rent from the first date the unauthorised structures were erected and occupation of GL and administrative fee as considered appropriate by LandsD. LandsD reserves the right to take enforcement action against the lot owners/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.</p>	
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